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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,814	11/25/2003	Chi-Hung Shen	GP-303294 (8540R-000046)	6235
7590 08/12/2005			EXAMINER	
Kathryn A. Marra General Motors Corporation Legal Staff - Mail Code 482-C23-B21 P.O. Box 300 Detroit, MI 48265-3000			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 08/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,814

Applicant(s)

SHEN ET AL.

Examiner

Robert C. Watson

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Abita et al.

Abita et al shows a reconfigurable pallet having a pallet base 2, tracks 4,6, and a plurality of modular stanchions 10,11 having a support element. The stanchion bears the weight of the workpiece 3. The type of workpiece being held or the environment in which the pallet is to be placed are matters of intended use that have no patentable significance. In any case, the workpiece 3 shown is Abita et al is a circuit board. The examiner takes Official Notice that circuit boards are commonly found in vehicles. Accordingly, workpiece 3 may in fact be a “vehicle component”. The pallet is capable of being used in an assembly line since there is nothing to prevent the pallet from being used in an assembly line.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 10-14, 18-21, and 25-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Abita et al in view of Soderberg et al.

Soderberg et al teaches that a support element may be moveable along the z-axis to adjust the height of the support element. Soderberg et al uses a fluid cylinder to raise the height of the support element.

To employ a fluid cylinder to raise the height of the Abita et al support element would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Soderberg et al. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient means to position the support element in contact with a workpiece having a varying contour. The type of fluid employed whether hydraulic or pneumatic is no more than an obvious matter of design choice absent a showing of criticality for this feature. The examiner takes official notice that fluid pressure is obviously supplied by means of a fluid pump. Further, Soderberg et al teaches that "machine tools" operate on the workpiece held on the support element. This is interpreted to mean that a plurality of operation stages operate on the workpiece held on the support element. To operate on the work held on the Abita et al fixture by operation stages would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Soderberg et al. One of ordinary skill in the art would have been motivated to do this in order to perform multiple operations on the workpiece as desired.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abita et al in view of Fredrickson.

Fredreickson teaches that a screw drive may be used to induce linear motion of a stanchion 44 along a track.

To provide in Albita et al a screw drive to induce linear motion of the stanchion would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Fredrickson. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient means to move the stanchion linearly along the base into a desired position.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albita et al in view of Follmeyer.

Follmeyer teaches that a pallet may be circular and have radially directed tracks that extend from the center of the pallet.

To make the pallets of Albita et al circular and have radially directed tracks that extend from the center of the pallet would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Follmeyer. One of ordinary skill in the art would have been motivated to do this for situations where radial indexing of the pallet is more desirable than x-y indexing of the pallet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albita et al and Follermeyer supra and further in view of Varnau.

Varnau teaches that a circular pallet may be rotated.

To rotate the pallet of Albita et al in view of Follermeyer supra would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Varnau. One of ordinary skill in the art would have been motivated to do this in order to index the pallet to the desired radial position for the required operation stage machining.

Claims 15, 22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albita et al in view of Soderberg et al supra and further in view of Fredrickson.

Fredrickson teaches that a screw drive may be used to induce linear motion of a stanchion 44 along a track.

To provide in Albita et al in view of Soderberg et al supra a screw drive to induce linear motion of the stanchion would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Fredrickson. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient means to move the stanchion linearly along the base into a desired position.

Claims 16, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albita in view of Soderberg et al supra and further in view of Follmeyer.

Follmeyer teaches that a pallet may be circular and have radially directed tracks that extend from the center of the pallet.

To make the pallets of Albita et al in view of Soderberg supra circular and have radially directed tracks that extend from the center of the pallet would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Follmeyer. One of ordinary skill in the art would have been motivated to do this for situations where radial indexing of the pallet is more desirable than x-y indexing of the pallet.

Claims 17, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albita et al in view of Soderberg et al and further in view of Varnau. Varnau teaches that a circular pallet may be rotated.

To rotate the pallet of Albita et al in view of Soderberg et al supra in view of Follermeyer supra would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Varnau. One of ordinary skill in the art would have been motivated to do this in order to index the pallet to the desired radial position for the required operation stage machining.

Applicant's remarks have been given careful consideration. Applicant merely added intended use recitations to the independent claims. Applicant full well knows that statements of intended use in an apparatus claim have no patentable significance. In any case, the Albita et al reference is capable of performing the intended use recitations that applicant has added to the claims. Applicant further argues that the combination of references are non-analogous. It is believed applicant's position is not well taken because all of the references that are employed in the rejections are from the same body of art – they are all "fixtures" for holding a workpiece.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw



ROBERT C. WATSON
PRIMARY EXAMINER